

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

BASF AGRO B.V., ARNHEM (NL),  
WÄDENSWIL BRANCH, BAYER S.A.S.,  
and MERIAL LIMITED,

Plaintiffs,

v.

CHEMINOVA, INC.,

Defendant.

**Civ. Action No. 10-CV-274**

**MOTION TO FILE DOCUMENTS  
UNDER SEAL**

Defendant Cheminova, Inc. (hereinafter "Cheminova") hereby moves the Court to file under seal Cheminova, Inc.'s Response to Plaintiffs' Objection to Defendant's *Markman* Presentation.

In support of this Motion, Cheminova states as follows:

The parties to this case entered into a Stipulated Protective Order ("the Protective Order") entered by the Court on August 27, 2010. (Docket No. 40.) Paragraph II.B.1 of the Protective Order defines "confidential information" as non-public information that involves the personal or privacy interests of individuals under the laws where such individuals reside. Paragraph II.B.2 of the Protective Order defines "highly confidential information" as confidential information whose disclosure would be likely to cause harm to the competitive position of the producing party. Paragraphs VIII.2 and VIII.3 of the

Protective Order states that a party may file documents under seal with the Court if it is necessary to submit confidential or highly confidential material.

Cheminova's Response includes references to deposition testimony and briefs that have been designated as "highly confidential information" under the protective order. Accordingly, Cheminova hereby moves the Court under paragraphs VIII.2 and VIII.3 of the Protective Order to seal Cheminova, Inc.'s Response to Plaintiffs' Objection to Defendant's *Markman* Presentation.

WHEREFORE, Defendants move this Court to file and retain under seal Cheminova, Inc.'s Response to Plaintiffs' Objection to Defendant's *Markman* Presentation.

Respectfully submitted this 12th day of July, 2011.

Respectfully submitted,

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## CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of July, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

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/s/ Robert J. Burns